



## HR ALERT



# Federal OSHA Emergency Temporary Standard Released, 11-4-21

POOL/PACT HR is publishing this important Alert on the Federal OSHA Emergency Temporary Standard. If you have any questions about how this may impact your employment policies or practices, please contact your HR Business Partner for more information.

On November 4, 2021, the Federal Occupational Safety and Health Administration (OSHA) released its [unpublished emergency temporary standard \(ETS\)](#) which requires all employers with 100 or more employees to develop a policy to ensure their workforce is fully vaccinated or require any workers who remain unvaccinated to produce a negative test result on at least a weekly basis before coming to work; it further requires unvaccinated workers to wear face coverings. The ETS is effective immediately upon its publication in the Federal Register which is scheduled for November 5, 2021.

**While Federal OSHA applies to private-sector employers, Nevada has an [OSHA State Plan](#) which requires Nevada to adopt standards at least as stringent as Federal OSHA's ETS and apply them to local government employers as well as State and private employers.**

What this means:

Nevada has 15 days to advise Federal OSHA of what action it will take (i.e., adopt the Federal ETS as is, or create a stricter standard). State standards will apply to all local public employers and be effective no later than 30 days after the Federal ETS release. The State Plan standard must remain in effect for the duration of the Federal ETS.

Although not applicable to POOL/PACT members, the [Federal ETS](#) provides the minimum standards Nevada OSHA must adopt. A [summary of the ETS](#) and [webinar](#) provided by OSHA are available on our website at [www.poolpact.com](http://www.poolpact.com) to registered users in the HR Resource Library under COVID-19 (Coronavirus) Resources in the OSHA Guidance folder.

**We will continue to monitor and update our members as guidance becomes available. In addition, a sample policy will be developed once Nevada OSHA's standards are released. As always, please contact your HR Business Partner with any questions you may have.**